

## REMARKS

Claims 1-59 are pending in this application with claims 1, 19, 33, 41, and 59 being independent claims. No claim is allowed.

### The 35 U.S.C. § 103 Rejection

According to M.P.E.P. § 2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Claims 1-59 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Valencia* (US 5,918,019) in view of *Heimendinger et al.* (US 6,278,532 B1). This rejection is respectfully traversed.

Initially, it is noted that no detailed rejection has been provided for claim 22.

Generally, the Office Action states that *Valencia* discloses or suggests essentially all of the claim elements and limitation but does not disclose the implementation or incorporation of the claimed "'object-oriented' software to create and link objects" which is disclosed or suggested by *Heimendinger*. If so, then *Valencia* would achieve essentially the same results as the claimed invention but by other means. However, this is not the case.

A review of *Valencia* and the Background Art described in the current Application would indicate that they are substantially the same, that is, *Valencia* is an example of the prior art shown in FIG. 1 and described on page 1, line 14 through page 5, line 17 of the specification. As an example, *Valencia* therefore fails to provide a Layer 2 tunnel and some other link at the same time as claimed. This is emphasized by *Valencia* with respect to steps 46, 48, and 50 of FIG. 4 where a choice has to be made by the remote client for one or the other and not both virtual dial-up service or standard access to the Internet. (See col. 4, lines 58-65, among others.) Further,

*Valencia* fails to provide the NAS 27 a termination mechanism once tunneling has been established from the PPP 34 of the remote client 32 to the PPP of the home gateway 20 of FIG.

2. (See col. 14, lines 24-33.) This is among the obstacles with the prior art that was identified in the Background Art section of the current Application. As an aside, it is noted that *Valencia* and the current Application are commonly owned. Since *Valencia* in fact represents the prior art upon which the current Application is based, the citations in the Office Action must be in error and should be withdrawn along with the rejection.

In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance


In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Please charge any required fee or credit any overpayment not otherwise paid or credited to our deposit account # 50-1698.

Respectfully submitted,  
THELEN, REID, & PRIEST LLP

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David B. Ritchie  
Reg. No. 31,562

Thelen, Reid, & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
(408) 292-5800